

**Amendments To The Drawings**

An objection was lodged against Figure 13. In response, Figure 13 is being amended to include the following changes:

Figure 13: Reference numbers "1200", "1202A", "1202B", "1202C",  
"1204", "1206", "1208A", "1208B", "1208C", "1210" and  
"1212" are being amended to read, respectively, "1300",  
"1302A", "1302B", "1302C", "1304", "1306", "1308A", "1308B",  
"1308C", "1310" and "1312".

A replacement drawing sheet, which includes amended Figure 13, is being filed herewith.

### **REMARKS/ARGUMENTS**

Claims 60 to 74 are pending in the application, Claim 60 being the independent claim. Claims 60 and 64 to 68 are amended, and Claims 69 to 74 are added. Reconsideration and reexamination are respectfully requested.

#### **I. Objection to the Specification**

The Office Action objects to the disclosure as follows:

[t]he sentence 'For example, if annotation device 401 comprises a smart mobile client device 401 should have the computational power to perform the annotating functions described in FIG. 5 in addition to the control functions 502 for playback of the original document.' on Page 24, Lines 12-15 should be amended because it is not grammatically correct in that the verb phrase "should have" does not have a subject.

The above-referenced sentence is being amended to include punctuation to further clarify the sentence structure. In addition, the paragraph containing the sentence is being amended. It is submitted that the drawing amendments made obviate the objection. Reconsideration and withdrawal of the objection are therefore respectfully requested.

#### **II. Objection to Claim 60**

The Office Action objects to Claim 60, and states:

[t]he phrase "annotations information records" in Lines 3, 4, 7 and 16 (4 instances) should be amended to -

annotation files - because that is how the element is identified in the Specification (see Page 29, Lines 13-14). [t]he phrase "generate a relationship information between said audio comment and said audio source" in Lines 13-14 should be amended to - associate said audio comment with the point at which said audio comment was made during said playback of said audio source - to more clearly describe how the invention works. Additionally, the phrase "relationship information" is not mentioned in the original Specification.

Without conceding the correctness of the rejection, Claim 60 is being amended, which amendments are believed to obviate the objections raised in the Office Action. Reconsideration and withdrawal of the objections raised are respectfully requested.

### III. Objection to the Drawings

With respect to the drawings, an objection was lodged against Figure 13. More particularly, the Office Action states:

"[t]he drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description:

- 1300-1312 (see Specification - Page 48, Lines 4-18). Applicant may obviate this rejection by amending Figure 13 of the drawings to include the reference numbers discussed in the Specification."

As suggested by the Office Action, Applicant submits herewith an amended figure, on a replacement drawing sheet, to attend to the objection. Approval of the replacement drawing sheet, and withdrawal of the drawing objection, are respectfully requested.

IV. Rejection of Claims 60 to 68 Under 35 U.S.C. §112

The Office Action rejects Claims 60 to 68 under 35 U.S.C. § 112, first paragraph. In particular, the Office Action states:

Claims 60-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

With regard to Claim 60, the Office Action contends that there is no mention in the original Specification of obtaining only a subset of the total annotations for a retrieved document.

In response and without conceding the correctness of the rejection, Applicant has amended Claim 60 to recite obtaining at least a subset of a plurality of audio comments. Reference is respectfully made to the originally-filed application, *inter alia*, page 34, line 18 to page 35, line 21, for example.

It is respectfully submitted that the amendments made to Claim 60 obviate the § 112, first paragraph rejection of the claims. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

V. Rejection of Claims 60, 61 and 63 to 68 Under 35 U.S.C. §102(b)

By the Office Action, Claims 60, 61 and 63 to 68 are rejected under 35 U.S.C. §102(b) over U. S. Patent No. 5,732,216 (Logan). Applicant submits that independent Claim 60 and dependent Claims 61 to 74 are allowable over the Logan for at least the reasons discussed below.

Reference is made to Claim 60, which recites an apparatus for annotating a document comprising a mobile apparatus coupled to data storage, a document processing engine and an annotator. The data storage is configured to store a text document and a plurality of audio comments, each of the stored plurality of audio comments annotating the text document and being linked to the text document. The document processing engine is configured to obtain an audio content conversion of the stored text document and at least a subset of the stored plurality of audio comments for playback as an audio source. The mobile apparatus comprises an audio playback interface configured to receive at least one command for controlling playback of the audio source from a user, and an audio input interface configured to obtain at least one new audio comment from the user at a point in the playback specified by the user. The annotator is configured to cause the new audio comment to be saved via the data storage as an annotation linked to a location in the text document based on the point in the playback specified by the user.

The Office Action contends that:

Logan discloses a smart mobile apparatus for annotating a document [see Column 1, Lines 42-65; see Column 3, Lines 24-41; see Column 6, Line 36 through Column 7, Line 2 → Logan discloses this limitation in that the system allows a user to record an annotation/comment for a text document using a mobile computing device], comprising:

- a data storage medium configured for storing a text document and a plurality of annotations information records [see Figure 1; see Column 3, Line 24 through Column 4, Line 3 → Logan discloses this limitation, as clearly indicated in the cited figure and text], wherein said plurality of annotations information records is linked in a hierarchical tree structure to said text document [see Column 1, Lines 50-65; see Column 12, Line 59 through Column 13, Line 22; see Column 19, Lines 23-43; see Column 41, Line 44 through Column 42, Line 27 → Logan discloses this limitation in that the system allows users to comment upon other users' comments. This feature enables public interchanges to take place in publicly available threads that are analogous to Internet newsgroups, which operate in a hierarchical tree structure. Also, Logan discloses this limitation in that the system stores the text

document and all annotations/comments associated with the document in a hierarchical tree structure having a parent/child relationship. That is, the text document is the "parent" and the annotations/comments are the "children." Because the system allows users to comment on other users' comments, the hierarchy comprises multiple hierarchical levels of comments.];

- a document processing engine configured to obtain said text document and a subset of said plurality of annotations information records from said storage medium for synchronous playback as an audio source [see Column 1, Line 41 through Column 2, Line 9; see Column 3, Lines 37-41; see Column 4, Lines 26-36; see Column 4, Lines 40-52; see Column 5, Lines 16-31 • Logan discloses this limitation in that the system comprises a processor that is configured to retrieve the document, convert it to audio and play the converted document and a subset of the associated annotations to the user. The system allows users to limit access to their comments. Thus, the system discloses obtaining a "subset" of the "plurality of annotations" in that a text document may comprise both "public" and "private" annotations/comments. In this case, the

"public" annotations/comments would be retrieved and played back to the requesting user, whereas the "private" annotations/comments would not.];

- an audio playback interface configured for controlling playback of said audio source by a user [see Column 3, Lines 24-41; see Column 12, Line 52 through Column 15, Line 63 → Logan discloses this limitation in that the system, while the audio is being played to the user, is configured to allow the user to control playback of the converted document and the associated annotations/comments];
- an audio input device configured to obtain at least one audio comment from said user [see Column 12, Line 52 through Column 13, Line 22; see Column 15, Lines 10-46 → Logan discloses this limitation in that the system, while the audio is being played to the user, is configured to allow the user to orally dictate an annotation/comment]; and " an annotator configured to generate a relationship information between said audio comment and said audio source [see Column 12, Line 52 through Column 13, Line 22; see Column 15, Lines 10-46; see Column 19, Lines 25-43; see Column 40, Line 58 through Column 41, Line 47 → Logan discloses this limitation in that the system is configured to associate the user's Page 8 annotations/comments with particular portions of the text document about which the annotations/comments are concerned], said annotator further configured to save said audio comment and said relationship information in a subset of said



plurality of annotations information records [As indicated in the above discussion, Logan discloses that the system allows users to comment upon other users' comments. Thus, the system is configured to save the user's annotations/comments, and the associated particular portions of the text document, in a "subset of said plurality of annotations information records."].

For at least the reasons discussed below, Logan fails to anticipate, teach or suggest the embodiment of the invention claimed in independent Claim 60.

Logan does not anticipate, teach or suggest an apparatus including an annotator configured to cause a new audio comment obtained from a user at a point in the playback of an audio source to be saved as an annotation linked to the text document an audio conversion of which is included in the audio source, the new audio comment being linked to a location in the text document based on the point in the playback specified by the user.

Logan focuses on distributing audio program segments to a user. Logan allows the user to input a comment or annotation for the program segment to which the user is listening. According to Logan, a user inputs an "Accept" command during playback of a program segment and then annotates or comments on the program segment, or the user can be prompted at a predetermined point in the program segment's playback, the predetermined point being determined when the program segment is produced. In a case that the user interrupts playback, it is clear from the description provided by Logan

that the user's comment is only intended for the audio program segment to which the user is listening, and that Logan is limited to identifying a location in the audio program segment at which the user interrupted playback. Logan fails to teach, suggest or disclose linking a user--initiated comment to something other than the program segment to which the user is listening. Reference is respectfully made to col. 1, lines 53 to 65 of Logan, which state:

[w]hile listening to [the] program selected from [a program catalog], the subscriber may utilize the recorder to comment upon that program. The recorded comment is uploaded to the host along with identification data which designates the recording subscriber, the program segment being commented upon, and the position within that program segment when the comment was generated.

Commencing at col. 12, line 59, of Logan, steps 263 and 264 of Figure 3 are discussed, which process an "Accept" command received from the user to input a comment. Reference is also made to col. 41, lines 28 to 43 of Logan, which describes that:

[a]s discussed previously in connection with FIG. 3 and 263-264, the embodiment which [is] described also includes the capability of accepting comments from a subscriber at any time during the course of program playback. When such a comment is recorded, it is saved as separate file (or other

identifiable data) together with the Program.sub.-- ID of the program commented upon, the byte location within the playing program file where the comment or annotation is being made, a Class variable indicating the nature of the record, the Class variable being used as the Class variable in the Program.sub.-- Segment record for the comment or annotation or comment, and the date and time of day when the comment is being created.

Reference is further made to col. 43, lines 5 to 11 of Logan, which state:

[c]omments and annotations are preferably stored on the player's local mass storage unit with header information designating a CommentON field (the Program.sub.-- ID of the program segment commented on), the byte location in the playing program file where the comment was dictated, the Class field specifying the nature of the comment, and the Created date and time stamp.

As can be seen from the above portions, Logan limits user-initiated comments or annotations to the program segment that is being listened to by the user. This is not the same as the invention of Claim 60, in which a text document from which an audio content conversion is obtained can be annotated. More particularly, Logan fails to teach, suggest or disclose obtaining an audio comment from a user experiencing an audio content conversion of a text document, and saving the audio comment as an annotation linked to a location

in text document. Furthermore, nothing in Logan teaches, suggest or discloses an apparatus including an annotator configured to cause a new audio comment obtained from a user experiencing an audio source including an audio content conversion of a text document to be saved as an annotation linked to the text document.

Since Logan fails to teach, suggest or disclose one or more elements of the claim, Claim 60 is believed to be patentable over Logan. Furthermore, the other claims, which all depend from Claim 60, are also believed to be patentable for at least the same reasons.

In addition, Claim 64 recites the method of Claim 60, wherein each of the plurality of audio comments annotating the text document is stored via a file structure comprising an annotations names file. The annotations names file comprises an entry identifying users annotating the text document, wherein for each user identified in the annotations names file the file structure further comprises an annotations index file and an annotations file, and wherein the annotations file comprises at least one entry for a comment annotating the text document by the identified user and the annotations index file relates a location in the text document to the comment by the identified user.

According to Logan, a comment is saved as a program segment, like the program segment on which the user is commenting, and has a record in a table, the Programs Table 303. See Logan col., 16, line 30 to col. 17, line 19, col. 19, lines

24 to 43, and col. 41, lines 28 to 43. This is not the same as the claimed file structure which includes an annotations names file, which comprises an entry identifying annotating users of the text document, an annotations index file for each user identified in the annotations names file, which index file relates a location in the text document to a comment by an identified user, and an annotations file, which comprises an entry for a comment annotating the text document. Claim 64 is therefore believed to be patentably distinct over Logan.

Claim 66 recites the apparatus of Claim 64, wherein another audio comment obtained from said user annotates one of said plurality of audio comments, said file structure further comprising an annotations names file associated with said annotated comment, wherein said annotated comment's annotations names file has an associated annotations index file and an associated annotations file, and wherein said associated annotations index file relates a location in said annotated comment to said other audio comment.

For at least the reasons discussed above, Logan is also not believed to teach, suggest or disclose the claimed file structure, which includes an annotations names file, an annotations index file, and an annotations file associated with an audio comment annotating another audio comment. Claim 66 is therefore believed to be patentably distinct over Logan.

Claim 67 recites the apparatus of Claim 66, wherein the file structure comprises a hierarchical tree structure which comprises a document file

corresponding to the text document at a top level, the annotations names file corresponding to the document file at a second level below the top level, the annotations index file and the annotations file corresponding to the annotations names file at a third level below the second level. The third level being followed by some number of sub-levels, each sub-level corresponding to a comment and comprising a top level comprising an annotations names file identifying a name of at least one user annotating said comment, and an annotations index file and an annotations file associated with said comment-associated annotations names file.

For at least the reasons discussed above, Logan is also not believed to teach, suggest or disclose the claimed file structure, which includes an annotations names file, an annotations index file, and an annotations file associated with an audio comment annotating another audio comment. Claim 66 is therefore believed to be patentably distinct over Logan.

Claim 68 recites the apparatus of Claim 60, wherein each audio comment of the plurality of audio comments has a corresponding name of a user providing the audio comment, and the user identifies one or more commenting users whose comments the user wishes to be played back while the user is experiencing the audio source.

Logan describes a user who inputs a comment identifying whether or not a comment is available to the public, or is a private comment. However, nothing

in Logan can be said to disclose a user identifying one or more commenting users whose comments the user would like to be played back while the user is experiencing the audio source.

For at least the foregoing reasons, Logan fails to teach, suggest or disclose multiple elements of the invention of the present claims. Logan therefore cannot be said to anticipate, or render obvious, the claimed invention. Reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection are therefore respectfully requested.

VI. Rejection of Claims 67 Under 35 U.S.C. §103(a)

Claim 62 is rejected under 35 U.S.C. § 103(a) over Logan and U.S. Patent No. 6,181,351 (Merrill). The Office Action admits that Logan fails to disclose removable memory comprising flash memory. The Office Action cites col. 7, lines 12 to 15, col. 5, lines 32 to 37 and col. 9, lines 20 to 51 of Merrill, and contents that Merrill "discloses [the elements of Claim 62] in that [the system described in Merrill] comprises many different types of computer memory, including flash memory, for the purposes of recording, storing and editing audio files."

Merrill focuses on enhancing computer animation data to synchronize an animated character and recorded speech for the character. The cited portions of Merrill describe an exemplary computer system hardware, which can include a flash medium as a removable storage medium, for creating a linguistically

enhanced sound file that includes synchronization data used to synchronize character animation with the sound output by a sound output device. Nothing in either Logan or Merrill, or the hypothetical combination proposed by the Office Action (if such a combination is even permissible, a point that is in no way conceded herein) teaches, suggests or discloses flash memory coupled to a mobile apparatus used in annotating a text document, the flash memory configured to store a text document and a plurality of audio comments, each of the stored plurality of audio comments annotating the text document and being linked to the text document.

Even while the above should be sufficient reason to withdraw the § 103(a) rejection, it is respectfully submitted that there has not been a proper showing of a suggestion or motivation to combine the Logan and Merrill references to yield the invention recited in Claim 62. The Office Action states that it would have been obvious to one having ordinary skill in the art at the time of the invention "to include a removable memory comprising flash memory for the purpose of recording, storing and editing audio files, as taught by Merrill."

A search of Merrill did not locate a discussion of use of flash memory to record, store and edit audio files, as suggested by the Office Action. Nothing in Merrill discloses or even suggests use of flash memory coupled to a mobile apparatus used in annotating a text document, the flash memory configured to store a text document and a plurality of audio comments, each of the stored



plurality of audio comments annotating the text document and being linked to the text document.

For at least the foregoing reasons, it is submitted that the neither Logan nor Merrill, taken alone or in the hypothetical combination (if such a combination is even permissible, which is in no way conceded), fail to render obvious the invention of Claim 62. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection are therefore respectfully requested.

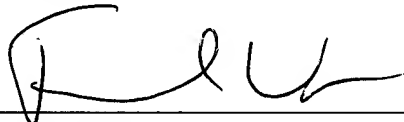
VII. Conclusion

For at least the foregoing reasons, Applicant submits that Claims 60 to 74 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

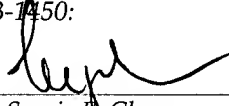
Date: April 20, 2007

By:   
Frank Weyer  
Reg. No. 33,050

THE HECKER LAW GROUP, PLC  
1925 Century Park East  
Suite 2300  
Los Angeles, California 90067  
(310) 286-0377

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